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OFFICE OF PETITIONS

In re Application of	:	
James Robert Macmillian	:	
Application No. 10/789,971	:	DECISION ON PETITION
Filed: March 1, 2004	:	UNDER 37 C.F.R. §1.181(A)
Attorney Docket No.: JRM200	:	
Title: CONSTRUCTION SUPPORT	:	
ASSEMBLY	:	

This is a decision on the petition filed on November 30, 2006, pursuant to 37 C.F.R. §1.181(a), to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 20, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 21, 2006. A notice of abandonment was mailed on November 24, 2006.

With the present petition, Petitioner has included an amendment, remarks, a one-month extension of time, and a transmittal form that contains a certificate of mailing dated August 8, 2006.

It is noted that the electronic file contains an amendment, remarks, a one-month extension of time, and a transmittal form which contains a certificate of mailing dated August 8, 2006. Each of these items was received on August 8, 2006, and it is further noted that the fee associated with a petition for a one-month extension of time was received on August 8, 2006.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on August 8, 2006 can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
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